

Historic, Archive Document

Do not assume content reflects current scientific
knowledge, policies, or practices

United States Department of Agriculture

WAR FOOD ADMINISTRATION

FOOD DISTRIBUTION ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

1871-1885

The notices of judgment herewith relate to cases instituted in the United States district courts and are approved for publication as provided in section 4 of the Insecticide Act of 1910 (36 Stat. 331).

Grover B. Niece

First Assistant War Food Administrator.

WASHINGTON, D. C., November 12, 1943.

1871. Misbranding of "Netop Moth Pad" and "Atlas Vaporizing Tablet." U. S. v. Gero Products Co. Plea of guilty. Fine \$20. (I. & F. No. 2214. I. D. No. 1026.)

On May 19, 1941, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gero Products Co., charging shipment in interstate commerce, on or about October 16, 1940, from Boston, Mass., into the State of New York, of quantities of "Netop Moth Pad" and "Atlas Vaporizing Tablet," which were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The "Netop Moth Pad" was alleged to be misbranded in that the statements, "Moth Preventive & Deodorant Simply hang Netop Pad in Bathroom, Kitchen, Bedroom, Closet, etc. * * * Banish Moths and Larvae by using Netop Pad," borne on the label, were false and misleading, and by reason thereof the product was labeled so as to deceive and mislead purchasers, since, when used as directed, it would not banish moths.

The "Atlas Vaporizing Tablet" was alleged to be misbranded in that the statements, "Moth Preventive & Deodorant Hang tablet in bedroom, bathroom, kitchen, etc. * * * Prevent Moths and Larvae by using one tablet to every five cubic feet of enclosed space," borne on the label, were false and misleading, and by reason thereof the product was labeled so as to deceive and mislead purchasers, since it would not prevent moths when used as directed.

On February 3, 1942, a plea of guilty was entered and a fine of \$20 was imposed.

1872. Adulteration and misbranding of "Savaday Wash." U. S. v. 450 cases, more or less, of "Savaday Wash." Decree of forfeiture and condemnation, and release under bond. (I. & F. No. 2261. I. D. No. 3885.)

An analysis of "Savaday Wash" showed that the product contained 16 percent less sodium hypochlorite than was stated on the label.

On February 24, 1942, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 cases, more or less, of "Savaday Wash," at Indianapolis, Ind., alleging that the product had been shipped in interstate commerce, on or about January 16, 1942, by the Barton Chemical Company, from Chicago, Ill., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient, Sodium Hypochlorite 5% by Wt., Inert Ingredients 95% by Wt."

The product was alleged to be misbranded in that the statements, "Active Ingredient, Sodium Hypochlorite 5% by Wt., Inert Ingredients 95% by Wt.," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 5 percent by weight and inert ingredients in a proportion greater than 95 percent by weight.

A judgment of forfeiture and condemnation having been entered in the case and the claimant having filed a bond in the sum of \$500, the court, on June 29, 1942, ordered that the product be released to the claimant and that it be relabeled in accordance with the provisions of the Insecticide Act.

1873. Misbranding of "Stero-Oil." U. S. v. Sterile Products Company, Incorporated. Plea of nolo contendere. Fine \$250. (I. & F. No. 2255. I. D. Nos. 2796 and 2797.)

On May 2, 1942, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sterile Products Company, Incorporated, alleging shipment in interstate commerce, on or about March 13, 1940, and July 14, 1941, from San Diego, Calif., into the State of Texas, of quantities of "Stero-Oil" which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that it consisted partially of inert substances, namely, mineral oil derivatives (including petroleum ether and lubricating oils), which do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and the percentage amount thereof were not stated plainly and correctly on the label, nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the product having fungicidal (bactericidal) properties and the total percentage of the inert substances, present therein, stated plainly and correctly on the label.

The product was alleged to be misbranded further in that the statements, "Stero-Oil 4 in 1 * * * Sanitizes * * * dental handpieces. Provides most practical technique for solution of all handpiece troubles. One bottle, One operation, One minute," borne on the 8-ounce carton and bottle labels, and the statements, "Stero-Oil 4 in 1 The Original Handpiece Trouble Eliminator * * * Stero-Oil 4 in 1 One Bottle One Minute One Operation * * * Stero-Oil 4 in 1 * * * Eliminates Handpiece Troubles * * * Stero-Oil 4 in 1 Provides a Practical Technique for solution of handpiece troubles in one minute, one bottle, one operation. * * * Bacteriologically Tested," borne on the carton, and "Stero-Oil 4 in 1 Bacteriologically Tested * * * Provides a Practical Technique for solution of handpiece troubles in one minute, one bottle, one operation," borne on the label of the 2-ounce bottle, were false and misleading and tended to deceive and mislead the purchaser, since the product would not disinfect dental handpieces in 1 minute.

The product was alleged to be misbranded further in that the statements, "FOREWORD ON STERILIZATION Field tests disclose the presence of untold millions of virulent organisms in the STRAIGHT HANDPIECE immediately following use in a patient's mouth. Determinations from these tests disclosed many types of infectious organisms. To prevent their transmission from mouth to mouth the straight handpiece must be sterilized each time used. Heat sterilization is impractical, inconsistent with the earning power of dentistry and WILL NOT BE DONE. A quick, simple technique obviating the necessity of removing the handpiece from the engine must be employed, or the menace to public health will continue. An even worse menace to the public was found to exist in the ANGLE HANDPIECE. The angle can be detached and heat sterilized; but to protect it from early deterioration the old oil, saliva, and grit must be cleaned from the instrument. Otherwise such accretions become baked on the working parts. Furthermore, steam sterilization may leave moisture on the working parts to cause rust. STERO OIL solves all handpiece difficulties quickly, thoroughly and most efficiently. It cleans the burr chuck and lower half of the straight handpiece, leaving these parts covered with a fresh supply of germicidal lubricant. Likewise, it cleans the working parts of the angle handpiece and leaves it covered with ample lubricant to last for one hour of constant use. STERO-OIL vs. STAPHYLOCOCCUS AUREUS. Staphylococcus aureus ranks among the most highly resistant mouth organisms. Weak strains of such organ-

isms may be quickly killed with mild germicides; STRONG STRAINS of HIGH RESISTANCE will not be. A bacteriologist's report that fails to show the organism-resistance to phenol reflects little value in measuring the potency of a germicide. *Staphylococcus aureus* resisting phenol in 80 parts of water for FIVE minutes is considered virulent. Strains resisting phenol in less than 80 parts of water for five minutes or longer indicate greater resistance of organism. IT IS THE POLICY of the Sterile Products Company, Inc., that all runs of STERO OIL must kill such virulent strain of organism, by the dry filter paper test, not in FIVE minutes but in less than ONE MINUTE, as shown by bacteriologist's report. DIRECTIONS FOR USE OF STERO-OIL * * * 4. Immerse the angle handpiece in the 2-oz. operator's bottle of Stero Oil until the entire handpiece is completely covered with Stero Oil, then run the engine ONE MINUTE, reversing occasionally. 5. Remove the angle from the bottle and with engine running, wipe dry with a sterile cloth. (Note. The volatile properties of Stero Oil quickly evaporate but the new lubricant contained in Stero Oil together with the germicide and essential oils, remain over the working parts. This supplies lubrication for about one hour of continuous operation.) * * * By following these instructions, the running life of handpieces will be prolonged, repair bills saved, troubles eliminated and you will have the satisfaction of knowing you are giving your patients maximum protection against transmission of organisms from mouth to mouth," appearing on a circular shipped with the bottles, and the statements, "Bacteriological Report on specimen No. 400925 labeled 'Stero-Oil' for Sterile Products Co., Inc., San Diego, Calif. Incubation period 48 hours. Organism: *Staphylococcus Aureus*. Method: Dry Filter Paper, (FDA). Plus sign (+) indicates Growth, Minus (-) indicates No Growth.

	Time of Exposure		
	5 Sec.	10 Sec.	20 Sec.
Stero-Oil Test No. 1-----	-----	-----	-----
Stero-Oil Test No. 2-----	-----	-----	-----
Stero-Oil Test No. 3-----	-----	-----	-----
Control-----	5 Min.	10 Min.	15 Min.
Phenol 1-50-----	+	-	- "

appearing on the card accompanying the bottles, were false and misleading, and by reason of the statements the product was labeled and branded so as to deceive and mislead the purchaser, since it would not kill virulent strains of *Staphylococcus aureus* in 1 minute nor resistant strains of this organism in 5, 10, and 20 seconds, and would not sterilize or be effective as a germicide and disinfectant when used as directed.

Misbranding was alleged further in that the bottle label bore the statement "16-oz," whereas the net content was less than 16 ounces.

On November 23, 1942, a plea of nolo contendere was entered and the court imposed a fine of \$250.

1874. Adulteration and misbranding of "Adams Special Insecticide." U. S. v. 59 one-gallon bottles of "Adams Special Insecticide." Default decree of condemnation and forfeiture, and delivery to St. Elizabeths Hospital for its use only. (I. & F. No. 2298. I. D. No. 5652.)

On November 19, 1942, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 one-gallon bottles of "Adams Special Insecticide," which had been shipped by Fuld Bros., on or about September 4, 1942, from Baltimore, Md., into the District of Columbia. The libel charged that the product was a misbranded and adulterated insecticide within the meaning of the Insecticide Act of 1910.

It was charged that the product was adulterated for the reason that the statements, to wit, "Adams Special Insecticide We certify this household insecticide (Liquid Spray Type) to conform to all requirements of the standard adopted by the National Association of Insecticide and Disinfectant Manufacturers, Inc., and recorded as Commercial Standard C872-38 by the National Bureau of Standards of the United States Department of Commerce Grade AA," borne on the label affixed to each bottle containing the product, purported and represented that its standard and quality were such that it was a Grade AA liquid insecticide, whereas the strength and purity of the product fell below the professed standard and quality under which it was sold, since it was not a Grade AA liquid insecticide.

The product was alleged to be misbranded in that the statements quoted in the preceding paragraph, and the statements, to wit, "A Liquid Insecticide—When sprayed through a gun, it generates a spray of exceptional penetrating power—destroying by inhalation and contact. * * * Powerful * * * For use against Flies * * * Roaches, Water Bugs * * * Directions for Use. For Flies * * * Spray upwards freely in closed room until the air is well charged with the vapor. If the insects do not drop to the floor in 3 to 5 minutes, give a short additional spraying as quantity first used was insufficient. * * * For Roaches, Water Bugs * * * Spray direct on floor into all cracks and crevices, floor boards, back of mouldings, under sinks, tubs, and along water pipes or any place where insects may have concealed themselves. Repeat daily until they disappear, then spray weekly to prevent further breeding," borne on the label, were false and misleading, and, by reason thereof, the article was labeled so as to deceive and mislead purchasers, since it was not a Grade AA liquid insecticide, was not powerful, did not possess exceptional penetrating power to destroy the insects named on the label, and, when used as directed, would not control flies, roaches, and water bugs.

On January 7, 1943, no claimant having appeared, judgment of condemnation and forfeiture was entered and, by order of the court, the product was delivered to St. Elizabeths Hospital for its use only and not for sale.

1875. Adulteration and misbranding of "McKesson's Mosquitone Cream Mosquito Repellent." U. S. v. McKesson & Robbins, Incorporated. Plea of nolo contendere. Fine \$300. (I. & F. No. 2296. I. D. Nos. 2451, 4081, and 4835.)

On January 5, 1943, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against McKesson & Robbins, Incorporated, alleging shipment in interstate commerce on or about May 12, 1941, and March 12 and June 8, 1942, from Bridgeport, Conn., into the States of New Jersey and California, of quantities of "McKesson's Mosquitone Cream Mosquito Repellent," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that the statement, to wit, "Water 61.2%," borne on the labels affixed to each of the tubes containing the product and to the cartons containing the tubes, purported and represented that its standard and quality were such that it contained water in the proportion of not more than 61.2 percent, whereas the strength and purity of the product fell below the professed standard and quality under which it was sold, since it contained water in a proportion greater than 61.2 percent.

The product was alleged to be misbranded in that the statements, "Water 61.2%," "Contents 1½ Ounces," and "1 Dozen 1½ Oz. Tubes," borne on the labels of the tubes and cartons, respectively, were false and misleading, and, by reason thereof, the product was labeled so as to deceive and mislead purchasers, since it contained more than 61.2 percent of water and the net content was less than 1½ ounces.

On April 2, 1943, a plea of nolo contendere was entered and the court imposed a fine of \$50 on each of six counts, a total of \$300.

1876. Misbranding of "T-O-P-Z." U. S. v. 10 dozen bottles of "T-O-P-Z." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2310. I. D. No. 6535.)

An examination of "T-O-P-Z" showed that the average net content (12 bottles examined) was 2.60 fluid ounces or 13 percent less than the 3 fluid ounces stated on the label.

On March 17, 1943, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 dozen 3-ounce bottles of "T-O-P-Z," at San Francisco, Calif., alleging that the product had been shipped in interstate commerce, on or about June 29, 1942, by the Mer-Kil Chemical Products Company, from Chicago, Ill., and charging that it was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, (Label) "Contents 3 Fluid Ounces" (Circular) "T-O-P-Z Directions All you have to do to ward off the insects is to put it on all exposed parts, stockings etc. with the palm of your hand or use a little wad of cotton if you are wearing nail polish. Renew in four to six hours if needed. * * * T-O-P-Z will ward off mosquitoes, house flies, fleas, * * * sand and beach flies. * * * and other similar insects not only fast, but its effects will last from four to six hours as

compared to a maximum of two hours for most products previously offered—it is twelve hundred per cent more effective as a repellent than citronella or pennyroyal,” and (Card) “T-O-P-Z 1200% more effective than Citronella or Pennyroyal * * * Repellent,” borne on the label, were false and misleading and, by reason thereof, the product was labeled so as to deceive and mislead purchasers, since the net contents was less than 3 fluid ounces, and the product, when used as directed, would not repel the insects named, in from 4 to 6 hours, as implied by the claim “will last from four to six hours,” and is not 1,200 percent more effective as a repellent than citronella or pennyroyal.

On April 6, 1943, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the product was ordered destroyed.

1877. Adulteration and misbranding of “Solut. Cresol Compound (Saponated Solution of Cresol) U. S. P.” U. S. v. Anchor Serum Company. Plea of guilty. Fine \$100 on count one; \$50 on count two; and \$20 for costs. (I. & F. No. 2297. I. D. No. 4585.)

Analysis of “Solut. Cresol Compound (Saponated Solution of Cresol) U. S. P.” showed that the product consisted of soap, water, glycerine, and cresols; the water and glycerine content being 15.1 and 2.8 percent, respectively.

On December 23, 1942, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Anchor Serum Company, alleging shipment in interstate commerce, on or about April 15, 1942, from South St. Joseph, Mo., into the State of Iowa, of a quantity of “Solut. Cresol Compound (Saponated Solution of Cresol) U. S. P.,” which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

It was charged that the product was adulterated in that the statement, “Inert Ingredient: Water About 10%,” borne on the label affixed to each of the bottles containing the product, purported and represented that the standard and quality were such that the product contained water in the proportion of not more than 10 percent, whereas the strength and purity of the product fell below the professed standard and quality under which it was sold, since it contained water in a proportion greater than 10 percent.

The product was alleged to be misbranded in that the statements, “Inert Ingredients: Water About 10% * * * Directions for Use: For Veterinary use, add 3 tablespoonfuls to a gallon of water. As a general Disinfectant and Deodorant and for sterilizing instruments, add two tablespoonfuls to a gallon of water and freely spray or sprinkle the solution, or apply with cloth or scrubbing brush,” borne on the label, were false and misleading, and by reason thereof, the product was labeled so as to deceive and mislead the purchaser, since the product contained water in a proportion greater than 10 percent; contained another inert ingredient, namely, glycerine; would not sterilize instruments; and was not an effective disinfectant, when used as directed.

On July 7, 1943, a plea of guilty was entered and the court imposed a fine of \$100 on count one; \$50 on count two; and costs amounting to \$20.

1878. Misbranding of “Revange Insect Killer Concentrate.” U. S. v. Northwest Insecticide Company. Plea of guilty. Fine \$10. (I. & F. No. 2299. I. D. No. 6448.)

On February 8, 1943, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Northwest Insecticide Company, alleging shipment in interstate commerce, on or about May 11, 1942, from Fargo, N. Dak., into the State of Montana, of a quantity of “Revange Insect Killer Concentrate,” which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, “Special Strength Revange Insect Killer Concentrate * * * Revange Insect Killer Concentrate * * * A liquid scientifically compounded for killing insects. Can be used as a fumigant for killing insects in bulk grain. * * * For Grain Insects Quantities: Concrete storage, 1 gallon per 1,000 bushels of grain; wooden bins, 1½ gallons per 1,000 bushels of grain; granaries and freight cars, 2 gallons per 1,000 bushels of grain. Application is simply a matter of pouring the proper dosage over the top of grain after the bin is filled. Where infestation has penetrated deeply, a pipe drilled with series of small outlets should be inserted to the necessary level in bin and REVANGE can be applied through this pipe,” borne on the label, were false and misleading, and by reason thereof, the product was labeled so as to deceive and mislead purchasers since it was not of a strength recognized in the trade as a concentrate, and, when used as directed, would not

kill all insects, would not act as a fumigant in bulk grain, and would not control grain insects.

On April 7, 1943, a plea of guilty was entered and the court imposed a fine of \$10.

1879. Adulteration and misbranding of "Hopkins Crow Brand Pyrethrum Extract Concentrated No. 20." U. S. v. 3 five-gallon cans of "Hopkins Crow Brand Pyrethrum Extract Concentrated No. 20." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2313. I. D. No. 6712.)

Examination of "Hopkins Crow Brand Pyrethrum Extract Concentrated No. 20" showed that the product contained 0.82 percent pyrethrins, which is materially less pyrethrins than a pyrethrum extract concentrated 20 should contain.

On April 14, 1943, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 five-gallon cans of "Hopkins Crow Brand Pyrethrum Extract Concentrated No. 20," at Augusta, Ga., alleging that the product had been shipped in interstate commerce, on or about January 5, 1943, by J. L. Hopkins & Co., Inc., from New York, N. Y., and charging that it was a misbranded and adulterated insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Pyrethrum Extract Concentrated No. 20," whereas it did not possess a strength equal to a pyrethrum extract concentrated No. 20.

The product was alleged to be misbranded in that the statement, "Pyrethrum Extract Concentrated No. 20," borne on the label affixed to each can containing the product, was false and misleading and, by reason of the statement, the product was labeled and branded so as to deceive and mislead the purchaser, since the product contained less pyrethrins than should be present to warrant designating it as a pyrethrum extract concentrated No. 20.

On July 8, 1943, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

1880. Adulteration and misbranding of "Acracite" and "Rid-U-Roach." U. S. v. Henry V. Smith, trading as H. V. Smith & Company. Plea of guilty. Fine \$100. (I. & F. No. 2307. I. D. Nos. 5919 and 5920.)

Analyses of samples of "Acracite" and "Rid-U-Roach" showed that the products contained 31.86 and 16.43 percent, respectively, of inert ingredients.

On May 24, 1943, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry V. Smith, doing business under the trade name of H. V. Smith & Company, alleging shipment in interstate commerce, on or about September 24, 1942, from St. Paul, Minn., into the State of North Dakota, of quantities of "Acracite" and "Rid-U-Roach," which were adulterated and misbranded insecticides within the meaning of the Insecticide Act of 1910.

Adulteration of the products was alleged in that the strength and purity of each fell below the professed standard and quality under which they were sold, since the product "Acracite" contained more than the 12 percent and the product "Rid-U-Roach" more than the 10 percent of inert ingredients indicated by the following statements appearing on the labels:

(Acracite)		(Rid-U-Roach)	
INERT INGREDIENTS		INERT INGREDIENTS	
Sodium Sulphate.....	2%	Sodium Sulphate.....	2%
Sodium Carbonate.....	3%	Sodium Carbonate.....	3%
Sodium Chloride.....	2%	Sodium Chloride.....	2%
Tumeric	1%	Tumeric	1%
Silica.....	2%	Silica	2%
Diatomaceous Earth.....	2%		

The products were alleged to be misbranded for the reason that the statement set forth above, borne on the label affixed to the cans containing "Acracite," and the statement set forth above, borne on the cans containing "Rid-U-Roach," were false and misleading and tended to deceive and mislead purchasers, since the products contained inert ingredients in a proportion greater than 12 and 10 percent, respectively.

On May 24, 1943, a plea of guilty was entered and the court imposed a fine of \$100.

1881. Adulteration and misbranding of "Super Bleach." U. S. v. Fred L. Schlichte, Jr., Mildred Schlichte, Fred L. Schlichte, Hannah Schlichte, Edna Wittich, and Emma Wittich, co-partners trading as the White Oak Products Co. Plea of guilty and each defendant, except Fred L. Schlichte, Jr., fined \$10 on each of counts one and two. The fine on count two was suspended, and the suit was dismissed as to Fred L. Schlichte, Jr. (I. & F. No. 2267. I. D. No. 3611.)

Analysis of "Super Bleach" showed that the product contained 4.47 percent of sodium hypochlorite.

On May 27, 1942, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the above-named individuals, trading as the White Oak Products Co., alleging shipment in interstate commerce, on or about November 13, 1941, from Cincinnati, Ohio, into the State of Kentucky, of a quantity of "Super Bleach," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "Active Ingredient: Sodium Hypochlorite . . . 5.25% Inert Ingredients . . . 94.75%," whereas it contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent of inert ingredients.

The product was alleged to be misbranded in that the statements, "Active Ingredient: Sodium Hypochlorite . . . 5.25% Inert Ingredients . . . 94.75% * * * Sterilizer * * * Disinfectant * * * Germicide * * * Sick Room: All equipment should be cleaned at proper intervals with a solution of three tablespoonfuls of Super Bleach to each quart of water * * * Manufactured by Aetna Chemical Products Co. Norwood, Ohio," borne on the label, were false and misleading and by reason thereof, the product was labeled so as to deceive and mislead purchasers, since it contained less than 5.25 percent of sodium hypochlorite and more than 94.75 percent of inert ingredients; it would not sterilize or be an effective disinfectant when used as directed; and it had not been manufactured by the Aetna Chemical Products Co.

A plea of guilty having been entered, the court, on June 5, 1942, imposed a fine of \$10 each on Emma Wittich, Edna Wittich, Fred L. Schlichte, Mildred Schlichte, and Hannah Schlichte on each of counts one and two of the information. The fine on count two was suspended. Dismissal of the suit by a nolle prosequi action was taken as to Fred L. Schlichte, Jr.

1882. Adulteration and misbranding of "New Cino-Tox 20 To 1 Insecticide Concentrate." U. S. v. 1 five-gallon can of "New Cino-Tox 20 To 1 Insecticide Concentrate." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2322. I. D. No. 5734.)

Examination of "New Cino-Tox 20 to 1 Insecticide Concentrate" showed that the product consisted of mineral oil of the nature of deodorized kerosene, an organic thiocyanate, a very small amount of chlorinated compound, and coloring matter, and was materially deficient in toxicants essential to give it sufficient killing power to warrant representing it as a 20 to 1 concentrate.

On May 27, 1943, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 five-gallon can of "New Cino-Tox 20 To 1 Insecticide Concentrate," at Washington, D. C., alleging that the product was shipped in interstate commerce, on or about April 15, 1943, by the Cino Chemical Company, from Cincinnati, Ohio, and charging that it was a misbranded and adulterated insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "New Cino-Tox 20 To 1 Insecticide Concentrate," whereas it did not possess a strength equal to a commercial 20 to 1 insecticide concentrate.

The product was alleged to be misbranded in that the statement "New Cino-Tox 20 To 1 Insecticide Concentrate" borne on the label affixed to the can containing the product, was false and misleading and, by reason of this statement, the product was labeled and branded so as to deceive and mislead the purchaser, since the statement purported and represented that the product was a 20 to 1 insecticide concentrate, whereas it did not possess a strength equal to a commercial 20 to 1 insecticide concentrate.

On June 22, 1943, no claimant having appeared, a decree of forfeiture was entered, and it was ordered that the product be destroyed.

1883. Misbranding of "Arsenoloid Cartridge" and "Japoloid Cartridge." U. S. v. Henry Lerch, Jr., trading as the Hy-Grade Colloidal Insecticide Co. Plea of guilty. Fine \$100 on count one; \$100 on count two; and suspended sentence on counts three, four, five, and six. (I. & F. No. 2309. I. D. Nos. 2470 and 2472.)

On June 24, 1943, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry Lerch, Jr., an individual doing business as the Hy-Grade Colloidal Insecticide Co., alleging shipment in interstate commerce on or about June 8 and July 27, 1942, from West Hempstead, N. Y., into the State of Connecticut, of quantities of "Arsenoloid Cartridge" and "Japoloid Cartridge," which were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The "Arsenoloid Cartridge" was alleged to be misbranded for the reason that the statements, "Arsenic in water soluble form expressed as metallic arsenic (As) not more than 0.125%. Equivalent to Arsenate Pentoxide (As_2O_5) 0.38%" and "Hy-Grade Hoze Gun Arsenoloid Cartridge (Lead Arsenate) Useful in spraying for chewing insects when used as directed," borne on the label, and "Hy-Grade Hoze Gun Insecticide Cartridge No. 7 Arsenoloid," borne on the carton, were false and misleading and tended to deceive and mislead the purchaser, since the product contained water soluble arsenic in a proportion greater than 0.125 percent, expressed as metallic arsenic, and more water soluble arsenic than the equivalent of 0.38 percent of arsenic pentoxide, and would not control chewing insects when used in the Hoze Gun, and, when used in a Hoze Gun, would not be a satisfactory insecticide.

The "Japoloid Cartridge" was alleged to be misbranded in that the statements, "Hy-Grade Hoze Gun Insecticide Cartridges Kind of Cartridge, No. 12 Japoloid Read Spraying Directions," borne on the carton, and "Useful as a Japanese Beetle Spray when used as directed. * * * For best results, spray thoroughly so as to wet the legs and under side of the beetles. Directions: Insert cartridge in chamber of Hoze Gun, attach same to hose, turn on water and spray. A Japanese Beetle Spray Hy-Grade Hoze Gun Japoloid Cartridge," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not control Japanese beetle.

On July 6, 1943, a plea of guilty was entered and, on July 15, a fine of \$100 was imposed on count one; \$100 on count two; and a suspended sentence was given on counts three, four, five, and six.

1884. Adulteration and misbranding of "Caudell's Rotenone Sulphur Dust." U. S. v. J. E. Caudell, trading as the Athens Seed Company. Plea of guilty. Fine \$100. (I. & F. No. 2320. I. D. No. 6615.)

Examination of "Caudell's Rotenone Sulphur Dust" showed that the product contained 1.53 percent of derris resins (including 0.46 percent of rotenone), 7.24 percent of sulphur, and 91.23 percent of inert ingredients.

On July 12, 1943, the United States Attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. E. Caudell, trading as the Athens Seed Company, alleging shipment in interstate commerce, on or about September 1, 1942, from Athens, Ga., into the State of Alabama, of a quantity of "Caudell's Rotenone Sulphur Dust," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, to wit:

"0.75 Per Cent Rotenone * * *

ACTIVE INGREDIENTS

Resins of Derris (including 0.75 Rotenone)-----	2.25%
Sulphur -----	10.00%
Inert Ingredients-----	87.75%
	<hr/> 100.00%"

and it contained less than 0.75 percent of rotenone, less than 2.25 percent of total derris resins, less than 10 percent of sulphur, and more than 87.75 percent of inert ingredients.

Misbranding of the product was alleged for the reason that the statements set forth in the preceding paragraph and the statements, "Caudell's Rotenone

Sulphur Dust * * * also effective against other sucking and chewing insects as well. * * * Directions Caudell's Rotenone Sulphur Dust may be applied at any time, preferably when plants are damp with dew for better anchorage. Care should be taken that the dust covers the underside of the foliage as well as the top as many insects feed from the bottom. Applications vary as to quantity and should be governed on amount of infestation, size of plant, and resistance of insect," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since it contained less than 0.75 percent of rotenone, less than 2.25 percent of total derris resins, less than 10 percent of sulphur, and more than 87.75 percent of inert ingredients, and the product, when used as directed, would not be effective against all sucking and chewing insects.

On July 20, 1943, a plea of guilty was entered and a fine of \$100 was imposed.

1885. Adulteration and misbranding of "New Cino-Tox 20 To 1 Insecticide Concentrate." U. S. v. 6 five-gallon cans of "New Cino-Tox 20 To 1 Insecticide Concentrate." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2321. I. D. No. 5733.)

Examination of "New Cino-Tox 20 To 1 Insecticide Concentrate" showed that the product consisted of mineral oil of the nature of deodorized kerosene, an organic thiocyanate, a very small amount of chlorinated compound, and coloring matter, and was materially deficient in toxicants essential to give it sufficient killing power to warrant representing it as a 20 to 1 concentrate.

On June 8, 1943, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 five-gallon cans of "New Cino-Tox 20 To 1 Insecticide Concentrate," at Baltimore, Md., alleging that the product had been shipped in interstate commerce, on or about February 24 and March 15, 1943, by the Cino Chemical Company, from Cincinnati, Ohio, and charging that it was a misbranded and adulterated insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "New Cino-Tox 20 To 1 Insecticide Concentrate," whereas it did not possess a strength equal to a commercial 20 to 1 insecticide concentrate.

The product was alleged to be misbranded in that the statement, "New Cino-Tox 20 To 1 Insecticide Concentrate," borne on the label affixed to each can, containing the product, was false and misleading and by reason of this statement the product was labeled and branded so as to deceive and mislead the purchaser, since the statement purported and represented that the product was a 20 to 1 insecticide concentrate, whereas it did not possess a strength equal to a commercial 20 to 1 insecticide concentrate.

On August 10, 1943, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

INDEX TO NOTICES OF JUDGMENT 1871-1885

	N. J. No.		N. J. No.
Acracite and Rid-U-Roach:		New Cino-Tox 20 to 1 Insecticide Con-	
Henry V. Smith-----	1880	centrate:	
H. V. Smith & Company-----	1880	Cino Chemical Company-----	1885
Adams Special Insecticide:		Revenge Insect Killer Concentrate:	
Fuld Bros-----	1874	Northwest Insecticide Company--	1878
Arsenoloid Cartridge and Japloid		Savaday Wash:	
Cartridge:		Barton Chemical Company-----	1872
Henry Lerch, Jr-----	1883	Solut. Cresol Compound (Saponated	
Hy-grade Colloidal Insecticide		Solution of Cresol) U. S. P.:--	
Co-----	1883	Anchor Serum Company-----	1877
Caudell's Rotenone Sulphur Dust:		Stero-Oil:	
J. E. Caudell-----	1884	Sterile Products Company, Inc--	1873
Athens Seed Company-----	1884	Super Bleach:	
Hopkins Crow Brand Pyrethrum Ex-		Fred L. Schlichte, Jr-----	1881
tract Concentrated No. 20:		Mildred Schlichte-----	1881
J. L. Hopkins & Co., Inc-----	1879	Fred L. Schlichte-----	1881
McKesson's Mosquitone Cream Mos-		Hannah Schlichte-----	1881
quito Repellent:		Edna Wittich-----	1881
McKesson & Robbins, Inc-----	1875	Emma Wittich-----	1881
Netop Moth Pad and Atlas Vaporiz-		White Oak Products Co-----	1881
ing Tablet:		T-O-P-Z:	
Gero Products Co-----	1871	Mer-Kil Chemical Products Com-	
New Cino-Tox 20 to 1 Insecticide Con-		pany-----	1876
centrate:			
Cino Chemical Company-----	1882		

